



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/597,334

02/21/2007

Rolf Engstrand

P17947-US1

9406

27045

7590

06/23/2009

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER

ZHAO, WEI

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

06/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,334	Applicant(s) ENGSTRAND, ROLF	
	Examiner WEI ZHAO	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/20/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2-6, 8-14 are objected to under 37 CFR 1.75(c) because of the following informalities:

Regarding claim 2, the term “a multicast system” in line 1 seems to refer back to the term “a multicast system” in claim 1 line 1. If it is true, it is suggested to change ‘a multicast system” to --- the multicast system ---. Similar changes apply to claims 3-6.

Regarding claim 8, the term “a multicast system” in line 1 seems to refer back to the term “a multicast system” in claim 7 line 1. If it is true, it is suggested to change ‘a multicast system” to --- the multicast system ---. Similar changes apply to claims 9-14.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 7-9, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Momona (US 6,434,117).

Regarding claim 1, Momona teaches the method for access control in a multicast system when distributing data from a source on a common link to at least two users via a node (column [2] lines 17-23), comprising the following steps: assigning a weight to each user associated with the node, wherein the weights of each user determine each user's allowed bandwidth (column [9] lines 5-13); receiving to the node, a request to join a multicast session, from a first user (column [9] lines 5-13); and comparing, in the node, actual bandwidth usage by the first user with the first user's allowed bandwidth, wherein the actual bandwidth usage is calculated as the sum of the first user's allowed bandwidth portion of each used session on the common link including and the actual bandwidth usage by the first user (column [10] lines 3-7).

Regarding claim 2, Momona teaches the method for access control in a multicast system, further comprising: denying the request if the first user's allowed bandwidth is lower than the actual bandwidth (column [10] lines 25-31).

Regarding claim 3, Momona teaches the method for access control in a multicast system, further comprising the following: determining that the requested multicast session is used by at least one other user (column [10] lines 21-25); and allowing the request from the first user (column [10] lines 32-39).

Regarding claim 5, Momona teaches the method for access control in a multicast system, comprising, the following step: prior to changing the first user's weight, determining that the first user used the session for a period of time that exceeds a predetermined guarantee time (column [8] lines 61-67).

Art Unit: 2419

For claims 7-9, these three claims are similar to claims 1-3 individually.

Claims 7-9 are rejected for the same reasons as to claims 1-3.

For claim 11, it is similar to claim 5. Claim 11 is rejected for the same reasons as to claim 5.

For claim 13, Momona teaches the arrangement for access control in a multicast system, further comprising means for calculating the first user's actual bandwidth (column [10] lines 25-39).

For claim 14, Momona teaches the arrangement for access control in a multicast system, further comprising means for calculating the first user's allowed bandwidth (column [10] lines 25-39).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

Art Unit: 2419

2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 4, 6, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Momona (US 6,434,117) in view of Richardson et al. (US 2006/0038877).

Regarding claim 4, Momona teaches the method for access control in a multicast system (column [2] lines 17-23). Momona teaches all the subject matter with the exception of implementing the predefined period of time. Richardson et al. from the same or similar field of endeavor teach implementing fairness of the method, determining that the first user used the session less than a predefined period of time (paragraph [0204] lines 1-3); changing, temporarily, the first user's weight (paragraph [0204] lines 3-10). Thus, it would have been obvious to one of ordinary skill in the art to implement the method of Richardson et al. in the system of Momona. The method of Momona can be implemented on any type of the method implementing the predefined period of time, which is taught by Richardson et al. The motivation for using the method of Momona on implementing the predefined period of time is to enhance the multicast system having the quality-of-service for the session in the specified amount of time.

Momona further teaches allowing the request if the allowed bandwidth is higher than the actual bandwidth (column [10] lines 32-39).

Art Unit: 2419

Regarding claim 6, Momona teaches the method for access control in a multicast system (column [2] lines 17-23). Momona teaches all the subject matter with the exception of implementing the user requested session. Richardson et al. from the same or similar field of endeavor teach implementing fairness of the method, comprising the following further steps: the first user leaving the requested session (paragraph [0204] lines 10-16); and changing the first user's weight to the weight's original value (paragraph [0204] lines 3-10). Thus, it would have been obvious to one of ordinary skill in the art to implement the method of Richardson et al. in the system of Momona. The method of Momona can be implemented on any type of the method implementing the user requested session, which is taught by Richardson et al. The motivation for using the method of Momona on implementing the user requested session is to enhance the multicast system having the quality-of-service for the session in the specified amount of time.

For claims 9 and 12, these two claims are similar to claims 3 and 6 individually. Claims 9 and 12 are rejected for the same reasons as to claims 3 and 6.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rakib (US 2004/0181811) is cited to show a method for transmitting video-on-demand and interactive service data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WEI ZHAO whose telephone number is (571)270-5672. The examiner can normally be reached on Monday-Thursday, 8:00am-12:00noon.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571-272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wei Zhao
Examiner

Art Unit: 2419

Art Unit 2419

/W. Z./

Examiner, Art Unit 2419

/DANG T TON/

Supervisory Patent Examiner, Art Unit 2419/D. T. T./

Supervisory Patent Examiner, Art Unit 2419